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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,584	03/20/2001	Katsuya Yamada	122.1442	9225

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,584

Applicant(s)

YAMADA ET AL

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20010806.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Detailed Action

Claims 1-18 are pending in this Office Action.

Information Disclosure Statement

The information disclosure statement filed on paper 3 has been considered.

Foreign Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. Attention is directed to the fact that the date for which foreign priority is claimed is not the date of the filed application acknowledged in the oath or declaration. The priority data of November 11, 2000 is given priority.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli").

Regarding claim 1, an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

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a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65).

Regarding claim 2, the apparatus for setting the environment of a client in a client/server system according to claim 1, wherein a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), wherein one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), and wherein the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

Regarding claim 3, the apparatus for setting the environment of a client in a client/server system according to claim 2, wherein the selected one kind of data is data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7).

Regarding claim 4, the apparatus for setting the environment of a client in a client/server system according to claim 2, wherein the selected one kind of data is data backed up in the environment at the time of initially setting said client (Seli: col. 6, lines 15-33; col. 7, lines 17-42; when successful boot with new or changed configuration).

Regarding claim 8, a method for setting the environment of a client in a client/server system (Seli: col. 6, lines 53-67), said method comprising the steps of:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65).

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Regarding claim 9, a computer readable program recording medium for recording a program causing a computer to set the environment of a client in a client/server system (Seli: col. 6, lines 53-67), said medium recording a program causing a computer to perform the steps of:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 10-12 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 11,

The Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 3.

The Seli reference does not explicitly state using a log.

The Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

The Gusler reference further teaches an effective method for backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli while employing a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claims 6, 10, 12 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Gusler et al and Seli.

Regarding claim 10, the apparatus for setting the environment of a client in a client/server system according to claim 2, wherein said server has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

Regarding claim 6, the apparatus for setting the environment of a client in a client/server system according to claim 1, wherein said server has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

Regarding claim 12, the apparatus for setting the environment of a client in a client/server system according to claim 4, wherein said server has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

Claim 7, 14-16 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 15,

The Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 3.

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The Seli reference teaches sending data files to a server but does not say documents.

The Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44).

The Cheffetz reference further teaches the invention uses two stages to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli while periodically sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Claims 7, 14, 16 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Cheffetz et al and Seli.

Regarding claim 14, the apparatus for setting the environment of a client in a client/server system according to claim 2, wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44).

Regarding claim 7, the apparatus for setting the environment of a client in a client/server system according to claim 1, wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44).

Regarding claim 16, the apparatus for setting the environment of a client in a client/server system according to claim 4, wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44).

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Claim 5 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al.

Regarding claim 5,

The Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 4, wherein an application program included in the data, which is backed up in the environment at the time of initially setting said client (Seli: col. 6, lines 15-33; col. 7, lines 17-42;).

The Seli reference mentions restoring application programs and data but does not mention updating them.

The Rodriquez reference teaches updating applications to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18).

The Rodriquez reference further teaches the invention overcomes the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli while updating applications to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Claim 13 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 13,

The Seli and Rodriquez references teach the apparatus for setting the environment of a client in a client/server with updating applications according to claim 5.

The Seli and Rodriquez references do not explicitly state using a log.

The Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

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The Gusler reference further teaches an effective method for backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with updating applications as taught by Seli and Rodriquez while employing a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claim 17 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 17,

The Seli and Rodriquez references teach the apparatus for setting the environment of a client in a client/server system with updating applications according to claim 5.

The Seli and Rodriquez references do mention file data but do not mention documents.

The Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44).

The Cheffetz reference further teaches the invention uses two stages to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli and Rodriquez while periodically sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

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Claims 18 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Publication No. 2002/0156965 by Gusler et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 18,

The Seli and Gusler reference teach the apparatus for setting the environment of a client in a client/server system with a log according to claim 6.

The Seli and Gusler references mention backing up and recovering file data but do not explicitly state documents.

The Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44).

The Cheffetz reference further teaches the invention uses two stages to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as taught by Seli and Gusler while periodically sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart
Examiner
Art Unit 2155
brb
July 7, 2004

brb

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER